IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Midgely, et al.

Application No.: 09/465,436

Filed: December 16, 1999

OIP SP 0 7 200

Group Art Unit: 2771

Examiner: Not Assigned

Attorney Docket No: NTK-005.01

For: Systems and Methods for Backing up Data Files

CERTIFICATE OF FIRST CLASS MAILING (37 CFR 1.8(A))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date set forth below.

1 September, 2000

Date of Signature and of Mail Deposit

By: ______

Eugene Coker

Box Missing Parts Assistant Commissioner for Patents Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir/Madam:

Responsive to the Notice To File Missing Parts of Application dated February 1, 2000 (copy enclosed) Applicants' attorney submits herewith an executed Declaration For Patent Application and a check in the amount of \$2,740.00 to cover the filing fee of \$760.00, the surcharge fee of \$130.00 and \$1,850.00 for the five-month extension of time for the above-identified application as a large entity.

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We believe that we have appropriately provided for fees due in connection with this submission, however, if there are any other fees due in connection with the filing of this Response, please charge the fees to our **Deposit Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,

Edward J. Kelly

Reg. No. 38,936

FOLEY, HOAG & ELIOT LLP

Dated: 1 September, 2000

Patent Group Foley, Hoag & Eliot LLP One Post Office Square Boston, MA 02109

Telephone: (617) 832-1000 Facsimile: (617) 832-7000

EJK/cmm Enclosures

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The oath or declaration.

If it is missing or unsigned.

If it is missing or unsigned with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

If it is is in a property signed oath or declaration in compliance with 37 CFR 1.63; identifying the application by the above Application Number and Filing Date, is required.

If it is inventor of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

If it is inventor is a previously is a possible of the inventor is a possible

FORM PTO-1533 (REV. 9/98)

PART 2 - COPY TO BE RETURNED WITH RESPONS

Initial Patent Examination Division (703) 308-1202